

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

1202a

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on 09/01/2009Signature /Jamie Cameron/Typed or printed
name Jamie Cameron

Application Number

10/678,876

Filed

October 3, 2003

First Named Inventor

Minh Duy Khuc

Art Unit

2416

Examiner

Tri H. Phan

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.
/Stephen S. Roche/

Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
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09/01/2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Minh Duy Khuc

Confirmation No.: 1277

Application No.: 10/678,876

Group No.: 2416

Filed: 10/03/2003

Examiner: Tri H. Phan

For: CALL CENTER COMMUNICATIONS SYSTEM FOR HANDLING CALLS TO
A CALL CENTER

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Commissioner for Patents
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Advisory Action dated June 16, 2009, the Applicant requests review of the final Office Action in the above-identified application. No amendments are being filed with this request. A Notice of Appeal under 37 C.F.R. § 41.31(a)(1) is being filed herewith. The review is requested for the reasons provided in the following remarks.

REMARKS

Claims 1-13 and 15-26 are pending in the application. Claims 1-13 and 15-26 currently stand rejected. Claims 14 and 27 have been previously cancelled. The Applicant respectfully requests consideration of the following remarks and allowance of claims 1-13 and 15-26.

35 U.S.C. § 102(b) Rejection

Claims 1, 2, 6-9, 15, 16, and 20-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,680,390 (Robrock). The Applicant respectfully argues that a mischaracterization of Robrock represents clear error in establishing a *prima facie* rejection under 35 U.S.C. § 102(b).

Claim 1 recites, in part, processing signaling for a voice call to generate a query to a *call center* having a plurality of devices within the *call center*, and transmitting the query to the *call center*.

Robrock is silent with respect to a call center. In the final Office Action, and again in the recent Advisory Action, the Examiner equates a call center to a broadband intelligent network (BIN). (final Office Action, p. 3; Advisory Action p. 2). The Applicant respectfully disagrees with this characterization of the prior art. The BIN contains a Service Control Point (SCP) which is used to provide a network control function for a fast-packet switch. Both the SCP and the fast-packet switch are standard components of an intelligent network and not equivalent to a call center as asserted by the Examiner.

Moreover, Robrock is silent with respect to a call center having a plurality of devices. In both the final Office Action and recent Advisory Action the Examiner equates the plurality of devices within the call center to operation systems 80 of Robrock. Operation systems 80 are not equivalent to a plurality of devices within the call center. The devices in a call center answer calls at the call center. (Immediate Application, p. 5, lines 4-5). As stated above, Robrock is silent regarding a call center and devices within a call center. Furthermore, the operation systems within Robrock are structured to provide predetermined operations functions as opposed to answering calls at the call center. (Robrock, col. 3, lines 34-36). These operation functions are standard tools to maintain

the SCP. Thus, the operation systems 80 are not equivalent to devices within a call center as asserted by the Examiner.

Claim 1 also recites, in part, receiving a query response where the *response includes a packet address that identifies a device* from among the plurality of devices within the call center. The Applicant respectfully disagrees with this characterization of the prior art. Robrock does not disclose or suggest receiving a query response including a packet address that identifies a device from among the plurality of devices.

Even assuming *arguendo* that Robrock does disclose a call center and a plurality of devices within the call center, Robrock still fails to disclose or suggest a query response where the response includes a packet address that identifies a device from among the plurality of devices within the call center. Rather, Robrock discloses a calling party (CPE) that already has the defined address for a called party or network device and generates a signaling cell to request a connection. (Robrock, col. 8, lines 25-29; Fig. 3, 91). The SCP query response does not contain a packet address that identifies a device (operation system) from among the plurality of devices. Rather, the response includes a command cell for the ATM switch which is used to populate a translation table for routing within the ATM switch, and a signaling cell for the called party. (Robrock, Fig. 3, 93 and 94). Thus, the response does not include a packet address that identifies a device from among the plurality of devices, as recited in claim 1.

Therefore, the Examiner's mischaracterization of the BIN (SCP and the fast-packet switch), operation systems, and query response in Robrock is clear error and thus the *prima facie* elements of the 35 U.S.C. § 102(b) rejection have not been met for claim 1. The rejection should therefore be withdrawn.

Independent claim 15 contains limitations similar to claim 1 and is therefore allowable over the art of record for the same reasons as claim 1. While separately allowable over the art of record, the remaining dependent claims depend from otherwise allowable independent claims. The Applicant therefore refrains from a discussion of the dependent claims.

35 U.S.C. § 103(a) Rejections

Claims 3-5, 10-13, 17-19 and 23-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Robrock. A discussion of this rejection is obviated in view of the discussion above distinguishing Robrock from independent claims 1 and 15.

CONCLUSION

Based on the above remarks, the Applicant submits that the claims in their present form are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant respectfully requests allowance of the claims.

The Applicant hereby authorizes the Office to charge Deposit Account No. 21-0765 the appropriate fee under 37 C.F.R. § 41.20(b)(1) for the Notice of Appeal filed herewith, and the fee under 37 C.F.R. § 1.17(a)(2) for a two-month extension of time. The Applicant believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

/Stephen S. Roche/

SIGNATURE OF PRACTITIONER

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